

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
32-CA-205703

Date Filed
9/5/2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer McDonald's Restaurants of CA d/b/a McDonald's		b. Tel. No. (408) 436-0760
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 2040 N 1st St CA San Jose 95131-2001	e. Employer Representative	g. e-Mail
		h. Number of workers employed 42
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurants	j. Identify principal product or service fast food	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Geoffrey Leonard Title:
Western Workers Organizing Committee

4a. Address (Street and number, city, state, and ZIP code)

2501 International Blvd
CA Oakland 94601-1509

4b. Tel. No.
(202) 251-3826

4c. Cell No.

4d. Fax No.

4e. e-Mail
geoffrey.leonard@seiu.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Geoffrey Leonard
(signature of representative or person making charge)

Geoffrey A Leonard
Title: Law Fellow
(Print/type name and title or office, if any)

Tel. No.
(202) 251-3826

Office, if any, Cell No.
(202) 251-3826

Fax No.

e-Mail
geoffrey.leonard@seiu.org

1800 Massachusetts Ave NW
Address Washington DC 20036-1806

09/5/2017 15:38:30
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	Removed from Schedule	(b) (6), (b) (7)/2017
(b) (6), (b) (7)(C)	Removed from Schedule	(b) (6), (b) (7)/2017
(b) (6), (b) (7)(C)	Removed from Schedule	(b) (6), (b) (7)/2017

REGION 32 – DOCKET SHEET (Charge Against Employer)

Case Name:	McDonald's Restaurants of CA d/b/a McDonald's
	32-CA-205703

Method of Receipt:	Visit	Written/Mail	Electronic/Fax	E-Filed: 1-2060868801
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IO Assisted (Choose one)	Yes <input type="radio"/>	No <input checked="" type="radio"/>
IO Inquiry # on Charge (Choose one)	Yes <input type="radio"/>	No <input checked="" type="radio"/>
IO Notes (Choose one)	Yes <input type="radio"/>	No <input checked="" type="radio"/>

Assigned to:	Supervisor	Ko	Agent	Gomez
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Dispute Location	City	San Jose	State	CA
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Bargaining Status (Check One)

Existing Contract		None	
Organizational Campaign	✓	Seeking Initial Contract	
Seeking Successor Contract			

No. of 8(a)(3) Discriminatees	
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Include Back Pay Paragraph (Choose one) (Charging Party only)	Yes <input checked="" type="radio"/>	No <input type="radio"/>
Include Spanish Explanation & Assistance Paragraphs (Choose one) (Charging Party only)	Yes <input checked="" type="radio"/>	No <input type="radio"/>

IA Category (Choose one)	I <input type="radio"/>	II <input type="radio"/>	III <input checked="" type="radio"/>
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Possible 10(j) Case (Choose one)	Yes <input checked="" type="radio"/>	No <input type="radio"/>
Date & Time 10(j) Screen	9/14/17 9:30 a.m.	

Related Cases (Relate on Case Level)	None
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Initial if OK to Docket Amended Charge	
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Comments:	
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Section	Allegation	Applicable?
8(a)(1)	Coercive Actions (Surveillance, etc)	
	Coercive Rules	
	Coercive Statements (Threats, Promises of Benefits, etc.)	
	Concerted Activities (Retaliation, Discharge, Discipline) (*)	
	Denial of Access	
	Discharge of Supervisor (Parker-Robb Chevrolet)	
	Interrogation (including Polling)	
	Lawsuits	
	Weingarten	
8(a)(2)	Assistance	
	Domination	
	Unlawful Recognition	
8(a)(3)	Changes in Terms and Conditions of Employment	
	Discharge (including Layoff and Refusal to Hire (not salting)) (*)	x
	Discipline	
	Lockout (*)	
	Refusal to Consider/Hire Applicant (salting only) (*)	
	Refusal to Hire Majority (*)	
	Refusal to Reinstate Employee/Striker (e.g. Laidlaw) (*)	
	Retaliatory Lawsuit	
	Shutdown or Relocate/Subcontract Unit Work (*)	
	Union Security Related Actions (*)	
8(a)(4)	Changes in Terms and Conditions of Employment	
	Discharge (including Layoff and Refusal to Hire)	
	Discipline	
	Refusal to Reinstate Employee/Striker	
	Shutdown or Relocate/Subcontract Unit Work	
8(a)(5)	Alter Ego	
	Failure to Sign Agreement	
	Refusal to Bargain/Bad Faith Bargaining (including Surface Bargaining/Direct Dealing)	
	Refusal to Furnish Information	
	Refusal to Recognize	
	Repudiation/Modification of Contract [Sec 8(d)/Unilateral Changes] (*)	
	Shutdown or Relocate (e.g. First National Maint.) Subcontract Work (*)	
8(e)	All Allegations against an Employer	

(*) May require adding the Back Pay Statement to Charging Party Letter

Additional Information in Support of Charge

Charging Party Name : Geoffrey Leonard

Inquiry Number : 1-2060868801

Date Submitted : 09/5/2017 15:38:30

Please provide a brief description of the specific conduct involved in your charge. The information you provide may be viewed by the charged party in the event of a formal proceeding, so PLEASE DO NOT GIVE A DETAILED ACCOUNT OF YOUR CHARGE OR A LIST OF POTENTIAL WITNESSES AT THIS TIME. A Board Agent will contact you to obtain this and other detailed information after your charge is docketed. After you submit this E-Filed Charge form, you will receive a confirmation email with an Inquiry Number (Sample Inquiry Number: 1-1234567890) and a link to the E-Filing web page. You may use the link and the Inquiry number provided in the email to e-file any additional documents you wish to present in support of your charge.

Additional Information Provided:

No information provided.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315



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September 6, 2017

McDonald's Restaurants of CA d/b/a
McDonald's
2040 N 1st Street
San Jose CA 95131-2001

Re: McDonald's Restaurants of CA d/b/a
McDonald's
Case 32-CA-205703

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney LELIA GOMEZ whose telephone number is (510)671-3022. If this Board agent is not available, you may contact Supervisory Attorney KENNETH H. KO whose telephone number is (510)671-3027.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly,

September 6, 2017

please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



VALERIE HARDY-MAHONEY
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

32-CA-205703

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**MCDONALD'S RESTAURANTS OF CA D/B/A
MCDONALD'S**

Charged Party

and

**WESTERN WORKERS ORGANIZING
COMMITTEE**

Charging Party

Case 32-CA-205703

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 6, 2017, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

McDonald's Restaurants of CA d/b/a
McDonald's
2040 N 1st Street
San Jose CA 95131-2001

September 6, 2017

Date

Caroline Barker, Designated Agent of NLRB

Name

/s/ Caroline Barker

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlr.gov
Telephone: (510)637-3300
Fax: (510)637-3315



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September 6, 2017

Geoffrey Leonard, Union Representative
Western Workers Organizing Committee
2501 International Blvd
Oakland CA 94601-1509

Re: McDonald's Restaurants of CA d/b/a
McDonald's
Case 32-CA-205703

Dear Mr. Leonard:

The charge that you filed in this case on September 05, 2017 has been docketed as case number 32-CA-205703. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney LELIA GOMEZ whose telephone number is (510)671-3022. If this Board agent is not available, you may contact Supervisory Attorney KENNETH H. KO whose telephone number is (510)671-3027.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue

to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance. *Nosotros podemos proveer asistencia a las personas quienes están limitados en su habilidad de hablar el ingles o quienes se encuentran incapacitados en alguna manera. Favor de informarnos si usted o alguno de sus testigos desean tal asistencia.*

Qualifying for Backpay: We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their obligation to look for work in order to qualify for backpay if your case has merit. Accordingly, we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

If backpay is due to an employee, the Board requires that the employee offset the backpay by promptly beginning to look for another job in the same or similar line of work. The Board has held that a reasonably diligent employee should begin searching for interim work within 2 weeks after the employee's termination or layoff or a refusal to hire the employee. If an employee cannot establish that he or she actively tried to mitigate his or her losses, the amount of money owed to the employee might be reduced.

Employees who might be owed backpay should keep careful records of when and where they have sought employment and of job search expenses such as mileage, parking, and copying resumes. Specifically, they should keep a record of each time they attempt to find work, including the date, name of the company, name of person with whom they spoke, the position sought, and the response received.

TENGA PRESENTE: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (510)637-3300. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos. *(PLEASE NOTE: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be*

explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (510)637-3300. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.)

Very truly yours,

A handwritten signature in black ink that reads "Valerie Hardy-Mahoney". The signature is written in a cursive, flowing style.

VALERIE HARDY-MAHONEY
Regional Director

cc: Geoffrey A Leonard, Law Fellow
1800 Massachusetts Avenue NW
Washington DC 20036-1806

From: [Gomez, Lelia](#)
To: (b) (6), (b) (7)(C)
Subject: RE: 32-CA-205703
Date: Wednesday, September 13, 2017 5:08:45 PM
Attachments: [CHG.32-CA-205703.Original Signed Charge Against Employer.pdf](#)

Dear (b) (6), (b) (7)(C)

Per your request, I've attached a copy of the charge in the above-referenced matter.

Kind regards,

Lelia M. Gomez
Field Attorney
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300-N
Oakland, CA 94612-5224
Telephone: (510) 671-3022
Fax: (510) 637-3315

From: (b) (6), (b) (7)(C) [redacted]@jonesday.com]
Sent: Wednesday, September 13, 2017 10:47 AM
To: Gomez, Lelia <Lelia.Gomez@nrlrb.gov>
Subject: 32-CA-205703

Ms. Gomez,

As discussed, I am writing to request a copy of the charge for 32-CA-205703. Your assistance is much appreciated.

Thank you,

(b) (6), (b) (7)(C) [redacted]
Jones Day
250 Vesey Street
New York, NY 10281-1047
Phone: (212) (b) (6), (b) (7)(C) [redacted]
(b) (6), (b) (7)(C) [redacted]@jonesday.com

=====

This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

=====

From: [Gomez, Lelia](#)
To: ["Geoffrey Leonard"](#)
Subject: RE: 32-CA-205703, McDonald's Restaurant of CA
Date: Friday, September 15, 2017 4:16:00 PM

Thank you for your reply, Geoff. I'm happy to read that the parties were able to resolve this matter. We'll proceed with processing the Union's withdrawal request.

Lelia

From: Geoffrey Leonard [mailto:geoffrey.leonard@seiu.org]
Sent: Friday, September 15, 2017 1:11 PM
To: Gomez, Lelia <Lelia.Gomez@nlrb.gov>
Subject: Re: 32-CA-205703, McDonald's Restaurant of CA

Hi Lelia, thanks for following up. The union will withdraw the charges.

On Fri, Sep 15, 2017 at 3:38 PM, Gomez, Lelia <Lelia.Gomez@nlrb.gov> wrote:

Hello Geoff,

I am writing to follow up on the above-referenced matter. Have the Union and the Employer been able to reach a resolution? If so, will the Union be requesting to withdraw the charge? If not, we'll need to proceed with the investigation and the scheduling of in-person affidavits for some time next week. Please let me know how the Union would like proceed.

Kind regards,

Lelia M. Gomez
Field Attorney
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300-N
Oakland, CA 94612-5224
Telephone: [\(510\) 671-3022](tel:(510)671-3022)
Fax: [\(510\) 637-3315](tel:(510)637-3315)

From: Gomez, Lelia
Sent: Monday, September 11, 2017 4:43 PM
To: 'Geoffrey Leonard' <geoffrey.leonard@seiu.org>
Subject: RE: 32-CA-205703, McDonald's Restaurant of CA

Geoff,

Thank you for providing me with the update. I am happy to hear that the Employer has agreed to pay the employees backpay for the shifts they were denied. In light of this development, I agree that we should hold off on proceeding with in-person affidavits at this time. If upon receiving confirmation that the Employer will provide the employees with backpay the Union decides to withdraw the charge, please let me know so that the Region may begin to process the withdrawal request. I look forward to hearing from you then. In the meantime, if you have any questions and/or concerns, please do not hesitate to contact me.

Kind regards,

Lelia M. Gomez
Field Attorney
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300-N
Oakland, CA 94612-5224
Telephone: [\(510\) 671-3022](tel:5106713022)
Fax: [\(510\) 637-3315](tel:5106373315)

From: Geoffrey Leonard [<mailto:geoffrey.leonard@seiu.org>]

Sent: Monday, September 11, 2017 4:33 PM

To: Gomez, Lelia <Lelia.Gomez@nlrb.gov>

Subject: Re: 32-CA-205703, McDonald's Restaurant of CA

Hi Lelia,

I just talked to the workers, and it looks like they are going to get paid for the shifts they missed because they were retaliated against.

They are going to know for sure Thursday, so if it is alright, I'm going to wait to withdraw the charge until then, but given this, if it's alright, I'm not going to have any of them come to the board tomorrow.

Also, I noticed in my last email, I misspelled your name. I'm very sorry about that, it won't happen again.

-Geoff

On Fri, Sep 8, 2017 at 2:54 PM, Geoffrey Leonard <geoffrey.leonard@seiu.org> wrote:

Hi Leila, sorry to just get back to you.

Is there still time Wednesday that they can come in still?

Would they come in separately or as a group.

Thanks!

On Thu, Sep 7, 2017 at 7:06 PM, Gomez, Lelia <Lelia.Gomez@nlrb.gov> wrote:

Mr. Leonard,

Thank you for following up with me. Unfortunately, my week is already quickly filling up. Do your witnesses have any availability next Wednesday, September 13th? If not, we can push back the deadline to submit evidence to September 22nd so that we may schedule affidavits sometime during the week of September 18th. As of now, I am free any day that week. Let me know what works best for your witnesses.

Kind regards,

Lelia

From: Geoffrey Leonard [mailto:geoffrey.leonard@seiu.org]

Sent: Thursday, September 07, 2017 3:32 PM

To: Gomez, Lelia <Lelia.Gomez@nlrb.gov>

Subject: Re: 32-CA-205703, McDonald's Restaurant of CA

Hello Ms. Gomez,

Just seeing this. I will follow up with availability tomorrow. Are there any days next week when you are not available?

Thanks!

On Thu, Sep 7, 2017 at 3:57 PM, Gomez, Lelia <Lelia.Gomez@nlrb.gov> wrote:

Dear Mr. Leonard,

My name is Lelia Gomez, and I am the attorney who has been assigned to investigate the above-referenced matter. In light of the allegations contained in the charge, this case may be eligible for Section 10(J) relief. Accordingly, I will need to expedite the investigation. Please reply at your earliest convenience with your witnesses' availability for next week for in-person affidavits. Also, please be advised that all evidence in support of the charge must be submitted to the Region by COB, Friday, September 15, 2017.

Kind regards,

Lelia M. Gomez
Field Attorney
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300-N
Oakland, CA 94612-5224

Telephone: [\(510\) 671-3022](tel:(510)671-3022)
Fax: [\(510\) 637-3315](tel:(510)637-3315)

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Geoffrey Leonard
Home Care Law Fellow
Legal Department
Service Employees International Union
1800 Massachusetts Avenue, N.W.
Washington, DC 20036
geoffrey.leonard@seiu.org
Office: [202-730-7327](tel:202-730-7327)
Cell: [202-251-3826](tel:202-251-3826)

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From: [Hardy-Mahoney, Valerie M.](#)
To: [Devlin, Helen E](#)
Subject: FW: FINAL PROCESSING of Withdrawal in McDonald's Restaurants of CA d/b/a McDonald's, Case 32-CA-205703 EOM
Date: Friday, October 6, 2017 5:54:18 PM

Dear Helen:

I approved the withdrawal and non-Board settlement in this case. Please issue the Withdrawal Letter.

Val

From: Ko, Kenneth H.
Sent: Wednesday, October 04, 2017 4:10 PM
To: Hardy-Mahoney, Valerie M. <Valerie.Hardy-Mahoney@nlrb.gov>; Valencia, Hokulani <Hokulani.Valencia@nlrb.gov>
Cc: Gomez, Lelia <Lelia.Gomez@nlrb.gov>
Subject: FINAL PROCESSING of withdrawal in McDonald's Restaurants of CA d/b/a McDonald's, Case 32-CA-205703

Val - Lelia's FIR recommending approval of the pre-merit determination adjusted withdrawal in this case is ready for your review/approval. An ICM has been uploaded, the remedies tab is filled out, and the Casehandling log is complete.

One thing you might want to check on is whether there are any coordination issues with this case.

(b) (5)

[REDACTED]

[REDACTED]

Hokulani - did you find anything out?

MEMORANDUM

TO: File


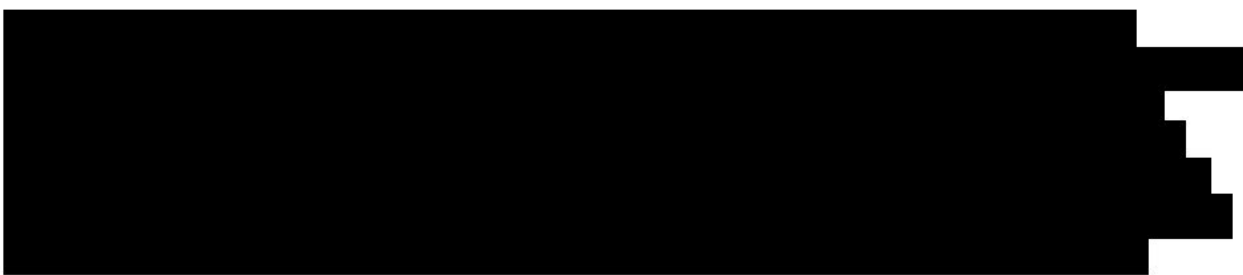

DATE: September 11, 2017

RE: McDonald's Restaurants of CA d/b/a McDonald's
Case 32-CA-205703

FROM: LELIA GOMEZ, FIELD ATTORNEY

CONVERSATION WITH GEOFFREY LEONARD

Today I spoke with Union counsel Geoffrey Leonard concerning the allegation contained in the charge. He explained (b) (5)



Case Name: McDonald's Restaurants of CA d/b/a McDonald's
Case No.: 32-CA-205703
Agent: Lelia Gomez, Field Attorney

CASEHANDLING LOG

[illegible]



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 32
1301 Clay St Ste 300N
Oakland, CA 94612-5224

Agency Website: www.nlrb.gov
Telephone: (510)637-3300
Fax: (510)637-3315

October 11, 2017

GEOFFREY A. LEONARD, LAW FELLOW
1800 MASSACHUSETTS AVENUE NW
WASHINGTON, DC 20036-1806

GEOFFREY LEONARD, UNION
REPRESENTATIVE
WESTERN WORKERS ORGANIZING
COMMITTEE
2501 INTERNATIONAL BLVD
OAKLAND, CA 94601-1509

Re: McDonald's Restaurants of CA d/b/a
McDonald's
Case 32-CA-205703

Dear Mr. Leonard:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

VALERIE HARDY-MAHONEY
Regional Director

cc: MCDONALD'S RESTAURANTS OF CA
D/B/A MCDONALD'S
2040 N 1ST STREET
SAN JOSE, CA 95131-2001

GEORGE S. HOWARD JR.,
ATTORNEY
JONES DAY
4655 EXECUTIVE DR STE 1550
SAN DIEGO, CA 92121-3135

MICHAEL FERRELL, ESQ.
JENNIFER PLAGMAN, ATTORNEY
AT LAW
JONES DAY
77 WEST WACKER DRIVE, SUITE
3500
CHICAGO, IL 60601-1701